

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:	)	
	)	
THOMAS JOSEPH CAHILLANE,	)	CASE NO. 04-65210 JPK
	)	Chapter 7
Debtor.	)	
*****	)	
GORDON E. GOUVEIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ADVERSARY NO. 06-6088
	)	(Consolidated w/Adversary No. 06-6243)
DOUGLAS J. PIERCE, et al.,	)	
	)	
Defendants.	)	
*****	)	
GORDON E. GOUVEIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
PEDRO A. AZEVEDO,	)	
	)	
Defendant.	)	

ORDER ON MOTION TO QUASH SUBPOENA ["MOTION"]

The Motion was filed on August 6, 2007. Attached to it as Exhibit "B" is a copy of the subpoena to which the Motion apparently relates. The subpoena is dated June 29, 2007, and provides for document production on August 7, 2007 at 9:30 A.M. Attached as Exhibit "C" to the Motion is a copy of correspondence from counsel for JPMorgan Chase Bank to the attorney by whom the subpoena was issued. Thus, the Motion was filed one day prior to the date upon which the movant was directed to appear to produce documents in compliance with it.

The Court notes that Fed.R.Bankr.P. 9016/Fed.R.Civ.P. 45(c) provides a mechanism for obtaining a protective order by persons subject to subpoenas. The record fails to disclose that the movant has complied with this procedure. The Court also deems the matters raised by the

Motion to constitute a matter subject to Fed.R.Bankr.P. 7026/Fed.R.Civ.P. 26(c): the fact that a subpoena was utilized as a mechanism for obtaining production of documents from a third party does not cause the matter addressed by the Motion to be other than a dispute as to the production of those documents. The Court has been unable to locate in the Motion the certification required by Fed.R.Civ.P. 26(c), especially in light of the fact that N.D.Ind.L.B.R. B-7037-1 requires that the certification be filed as a separate document and include specific information as to attempts to resolve the discovery dispute.

Based upon the foregoing, the Motion is entirely procedurally insufficient to present a discovery dispute to the Court. Due to the significant insufficiencies, the Court determines that the Motion should be denied, without prejudice to the movant's seeking of relief in accordance with applicable law and procedures.

IT IS ORDERED that the Motion to Quash Subpoena filed on August 6, 2007 is denied.  
Dated at Hammond, Indiana on August 16, 2007.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Attorneys of Record